

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 09-48

March 24, 2009

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Revised Appeal Language

Memorandum OM 09-34 discussed several changes to the electronic filing requirements and included, as Attachment B, revised "Appeal Due Date" language to be included in unfair labor practice dismissal letters. Set forth below is a further revision to the "Appeal Due Date" language for both dismissal and *Collyer* letters which should be substituted for the entire paragraph that is set forth in the Unfair Labor Practice Casehandling Manual. See Section 10118.6 (Pattern for *Collyer* Deferral Letter) and Section 10122.14 (Patterns Related to Dismissals). The new language is as follows:

Appeal Due Date: The appeal must be received by the General Counsel in Washington D. C. by the close of business at 5:00 p.m. [EST or EDT, as appropriate] on [14 days from issuance], unless electronically filed. If you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date. If you file the appeal electronically it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date.

In addition, Form NLRB-4938, Procedures for Filing an Appeal, has been revised to incorporate the above language. See attached. This revised form will be in the Web Forms Library shortly and you will be so advised. Finally, all appropriate representation case documents, as well as compliance determination letters, must be revised to reflect the electronic filing deadline. Revised pattern language for representation case documents will issue shortly.

Any questions concerning this matter should be addressed to your Assistant General Counsel or Deputy.

/s/
R.A.S.

Attachment

cc: NLRBU
Release to the Public